

Case: CT-2749 US - NP
USSN 10/719,188

Please amend claim 2, line 16, by deleting "having the Formula Ib" and please delete the chemical structure of formula Ic entirely. Please also insert an "a" in claim 2, after "phenyl optionally substituted with".

Please amend claim 4 by deleting "for the treatment of disorders responsive to opening of KCNQ potassium channels".

Please cancel claim 5.

Please amend claim 6 by deleting "The method of claim 5" and replace with "A method for the treatment of disorders responsive to opening of the KCNQ potassium channels in a mammal in need thereof,". Please delete "and neurodegenerative disorders" and replace with ", which comprises administering to said mammal a therapeutically effective amount of the compound of claim 1". Please also insert "and" in claim 6, line 17, between "anxiety" and "depression".

REMARKS

Claims 1 to 8 are pending in this application. Claims 1 to 4 are allowed. Claim 5 stands rejected under 35 USC §112, second paragraph. Claims 5 and 6 stand rejected under 35 USC §112, first paragraph. Claims 7 and 8 are objected to as being dependent upon a rejected base claim.

Upon review of the pending claims, Applicants found a typographical error in original claim 2 which involved the structure of the chemical Formula Ic. Formula Ic in claim 2 does not correspond to the structure of Formula I in claim 1 and was inserted by mistake during the word processing. Applicants amended claim 2 by deleting the chemical structure Ic from the claim. The resulting currently amended claim 2 is supported by the preferred embodiments described on pages 9 and 10 of the instant application and no new matter is introduced.

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REJECTION UNDER 35 USC §112, SECOND PARAGRAPH

The Examiner rejected claim 5 under 35 USC §112, second paragraph, because the claim is of indeterminate scope.

Applicants have cancelled claim 5 and, as a result, this rejection is moot.

REJECTION UNDER 35 USC §112, FIRST PARAGRAPH

The Examiner rejected claims 5 and 6 under 35 USC §112, first paragraph, because the specification, while being enabling for migraine, pain, epilepsy and convulsions, does not reasonably provide enablement for remaining uses. More specifically, the Examiner cites an article written by Dr. Valentine K. Gribkoff and quotes specific sentences on page 742 of said article. Dr. Gribkoff is a colleague of the present applicants and was partly responsible for the biological work carried out in the KCNQ program for the compounds of the instant application.

In the interest of advancing this prosecution and providing a consistent response, Applicants have cancelled claim 5 and amended claim 6 to clearly define the diseases which pertain to the disorders related to the activity associated with KCNQ potassium channel activity.

Applicants believe that the claimed compounds would be useful for the diseases specifically identified in currently amended claim 6. To support this assertion, the Examiner is directed to Applicants' U.S. Patent 6,831,080 B2 to Wu, *et al.*, issued December 14, 2004. The present Applicants are co-inventors of U.S. 6,831,080 which discloses and claims another but different series of compounds useful in the treatment of the same disorders as claimed in the instant application that are responsive to the opening of the KCNQ potassium channels.

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In columns 10 to 20 of said U.S. Patent '080, the Applicants described biological tests that confirmed the utility of such compounds (KCNQ modulators) for the disorders in currently amended claim 6 which include treatment of mania, bipolar disorders and anxiety.

It should also be noted that the control compound used in the neuropathic pain model, described in column 16 of Table 5 in said U.S. Patent, is gabapentin (Neurotin), a drug approved by the FDA for the treatment of convulsions, epilepsy and management of neuralgia (see Physician's Desk Reference).

In addition, the Examiner is directed to another application of Wu, *et al.*, which has the same priority date as the instant application and was issued by the USPTO on May 31, 2005, as U.S. Patent 6,900,210. The '210 patent claims a different series of compounds and claims a similar use for the disorders modulated by KCNQ channels as proposed herewith in amended claim 6. Unless the Examiner believes otherwise, Applicants, as well as Dr. Gribkoff, believe that the instant compounds would have the same utility based on art-recognized tests. Applicants believe the instant compounds would have the same utility based on the data presented in the specification.

In view of the foregoing amendments and remarks, Applicants believe that the rejections have been traversed and favorable action on the amended claims is respectfully solicited.

Respectfully submitted,

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Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
Princeton, NJ 08543-4000



Aldo A. Algieri, Ph.D.
Agent for Applicant
Reg. No. 31,697
Telephone: 203-677-6809

Enclosed: Amended Claims
Petition for Time Extension

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